

Practitioner's Docket No. _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

 In re application of: Bechtold et al.

Application No.: 09 / 869,514

Group No. 3760

Filed: July 10, 2001

Examiner:

For: INJECTION DEVICE

 Patent No.: _____

Issued: _____

**NOTE: Insert name(s) of inventor(s) and title also for patent. Where the refund request is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.*

Assistant Commissioner for Patents

Washington, D.C. 20231

ATTENTION: Refund Section, Accounting Division, Office of Finance

REQUEST FOR REFUND
(37 C.F.R. § 1.28(a))

NOTE: 37 C.F.R. § 1.28(a): "(a) Refunds based on later establishment of small entity status. A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is *optional*.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

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TRANSMISSION facsimile transmitted to the Patent and Trademark Office, (703) _____

Ann Okrentowich
Signature

Ann Okrentowich

(type or print name of person certifying)

Date: 3/14/02

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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Adjustment Date: 12/03/2002 RWHITE1
 09/14/2001 UEDUVIJE 00000003 230442 09869514
 01 FC:154 130.00 CR

I. SUBMISSION OF SMALL ENTITY ASSERTION

(complete (a) or (b))

(a) Attached is an assertion of small entity status in this application.
(b) An assertion of small entity status was filed in this application on _____

II. REFUND REQUEST

NOTE: 37 C.F.R. § 1.28(b)(1): "(b) Date of payment. (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid. . ."

This request for refund is made within three months of the date the full fee was paid in this application on _____, in the amount of \$ 130.00

NOTE: If the fee was changed to a deposit account, a request for refund must be filed within two months of the date of the change to the deposit account.

III. FEE PAID FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input type="checkbox"/> Filing fee	\$ 130.00
<input type="checkbox"/> Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. § 1.16(e) or 37 C.F.R. § 1.16(l)).	\$ _____
or	
<input checked="" type="checkbox"/> Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	\$ 130.00
<input type="checkbox"/> Surcharge for filing the basic filing fee on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l))	\$ _____
or	
<input type="checkbox"/> Surcharge for filing the cover sheet on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l))	\$ _____
<input type="checkbox"/> Extension of term	\$ _____
<input type="checkbox"/> Issue fee	\$ _____
<input type="checkbox"/> Patent maintenance fee	\$ _____
<input type="checkbox"/> first maintenance fee	\$ _____
<input type="checkbox"/> second maintenance fee	\$ _____
<input type="checkbox"/> third maintenance fee	\$ _____
<input type="checkbox"/> Patent maintenance fee surcharge.	\$ _____
<small>NOTE: The refund provisions of § 1.28(a), for later submitted small entity statements, apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37.</small>	\$ _____
<input type="checkbox"/> Other	\$ _____
TOTAL REFUND REQUESTED \$ 130.00	

IV. MANNER OF REFUND

Please make refund by crediting:

Deposit Account No. 23-0442

Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

refunding overpayment.

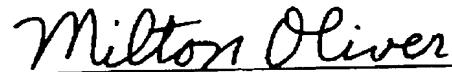
V. BASIS FOR REFUND REQUEST:

The specification & drawings were filed on JUNE 28, 2001 and the signed inventor declaration was post-filed on JULY 10, 2001, within the 30-month period expiring JULY 14, 2001 (calculated from priority date JAN. 14, 1999).

An improper charge to our deposit account 23-0442 was made on SEP. 14, 2001 in the amount of \$130 (FEE CODE 154, CONTROL NO. 7) for S.N. 09/869,514.

No late-declaration fee was due, so refund of this improper charge is requested.

This case was a PCT-US national phase (which does not receive a filing date until the signed declaration is submitted) so JUNE 28, 2001 was not the filing date of the application and Rule 16(e) is not applicable.



Signature of Practitioner

Reg. No.: 28,333

Milton Oliver

(type or print name of practitioner)

WARE, FRESSOLA, VAN DER SLUYS & ADOLPHSON LLP
Bradford Green, Building Five

P.O. Address

755 Main St., P.O. Box 224
Monroe, CT 06468

Tel. No.: (203) 261-1234

Customer No.: 004955

Request for Refund (7-8)—page 3 of 3

Attachments:

copy of postcard receipt for signed declaration
copy of filing receipt showing JULY 10, 2001 filing date
and JAN. 14, 1999 priority date
copy of Deposit Account statement



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON FINA

BRADFORD GREEN BLDG FIVE
755 MAIN STREET P O BOX 224
MONROE CT 06468

Account No.	230442
Date	9-28-01
Page	1

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9	6	01	6	08727529	2155-P1005A	219	155.00
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9	10	01	135	464957		567	60.00
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9	12	01	36	5685098	44-185	183	850.00
9	13	01	3	09582405	3-351-14-2	704	-620.00
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9	21	01	5	09553265	944-001.025	103	270.00
9	21	01	6	09553265	944-001.025	102	240.00
9	26	01	107	830-021	09398882	128	945.00
9	27	01	18		471582	566	15.00
9	28	01	46		75784183	364	300.00
<i>\$4000 ck sent 10/21/01 to increase balance</i>							
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OCT 24 2001							
FILE ANS'D.							

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*** O.D. INDICATES OVER DUE